



Utah State Legislature

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April 17, 2018

Speaker Gregory H. Hughes, Chair
President Wayne L. Niederhauser, Vice Chair
Legislative Management Committee
State Capitol Complex
Salt Lake City, UT 84114

RE: Staff and funding requests

Dear President Niederhauser and Speaker Hughes:

10-Year Review (*Occupational and Professional Licensure Review Committee*)

During the 2017 General Session, S.B. 212 was passed, enacting Utah Code Subsection 36-23-109(2), which requires the Occupational and Professional Licensure Review Committee to study and make recommendations regarding lawful occupations that require a license in the state so that each licensed lawful occupation is reviewed every ten years.

The committee's review of occupations has unfolded into a three-phase approach.

Phase 1: In preparation of our committee's review of each licensed lawful occupation we sent a letter to 11 executive branch departments in October 2017 that issue occupational licenses and requested the departments' assistance in identifying, studying, and addressing the departments' lawful occupations that require a license in the state. In our letter we asked the departments to compile and submit the requested information by November 1, 2017, and many departments complied.

Phase 2: We advised the departments that in preparation of conducting our ten-year review, we would invite each department to come to a committee meeting to provide an overview of the licenses that the department issues. The departments' input will help guide the committee's approach to planning and prioritizing our in-depth review of all state licenses. We used the information that we requested from the departments to prepare for upcoming committee meetings and heard from the Department of Agriculture and Food and the Department of Health at our last meeting in December 2017.

Phase 3: After the committee hears all the departments' licensing overviews this year, the committee will prioritize which licenses to begin our ten-year review of.

A thorough and meaningful review of this magnitude requires dedicated resources. We respectfully request that the Office of the Legislative Auditor General hire a dedicated auditor to help us facilitate the Occupational and Professional Licensure Review Committee ten review of all licenses. Through our work on the Occupational Licensing Policy Learning Consortium we

have learned about a grant of up to \$450,000 from the U.S. Department of Labor that may be used to pay for a dedicated auditor. We have asked our committee policy analyst to apply to the grant, with our application due in May 2018.

Funding (*Occupational Licensing Policy Learning Consortium*)

The Occupational Licensing Policy Learning Consortium (OLPLC) is a three-year study organized by the National Conference of State Legislatures, the National Governors Association Center for Best Practices, The Council of State Governments, and the U.S. Department of Labor. The Speaker and President requested the Office Legislative Research and General Counsel (LRGC) to apply on behalf of the state for Utah to participate in this licensing study in August 2017. In September 2018, after a competitive application process, Utah was accepted with ten other states to take part in the study. Utah's core team has 11 members that includes five legislators and two staff members from LRG, as well as executive level employees from the executive branch. The first of three multi-state meetings with the other participating states was held in December 2017 in Tucson, Arizona, and in April 2018 we held our first in-state meetings with our core team and the study's organizers. Our action plan seeks to:

1. Help improve understanding of occupational licensure issues and best practices;
2. Identify current policies that create unnecessary barriers to labor-market entry; and
3. Create an action plan that focuses on removing barriers to labor-market entry and improves portability and reciprocity for select occupations and sub-populations (people with criminal history, immigrants, veterans, etc.)

Professor Eva Witesman, from Brigham Young University has designed a study for her students to take part in for the purposes of our objectives in the OLPLC. Our state team is currently in the process of selecting which survey questions for which occupational licenses Ms. Witesman and her students should direct their efforts towards. As part of their research Ms. Witesman may deploy research practices that come with a cost (telephone surveys, interviews, third-party research firms, etc.) and we respectfully request one-time legislative funding that we may use to direct towards Ms. Witesman's efforts to provide data gathering for the OLPLC.

Furthermore, as previously mentioned, we have recently learned of a grant of up to \$450,000 from the U.S. Department of Labor that we have directed our staff to apply to. If we are awarded some, or all of the grant, we would like to use those funds to hire an auditor to facilitate the Occupational and Professional Licensure Review Committee's ten-year review of licenses, and may use some of the funds to help cover research costs in the OLPLC.

We would be happy to provide you with additional detail or answer any questions you may have.

Sincerely,



Sen. Todd Weiler, Senate Chair

Occupational and Professional Licensure Review Committee

Occupational Licensing Policy Learning Consortium State Lead



Rep. Brian M. Greene, House Chair

Occupational and Professional Licensure Review Committee

Attachments



<http://le.utah.gov>

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October 12, 2017

Mr. Alan Matheson, Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84114

Ms. Ann S. Williamson, Executive Director
Utah Department of Human Services
195 North 1950 West
Salt Lake City, UT 84114

Ms. Francine A. Giani, Executive Director
Utah Department of Commerce
160 East 300 South, 2nd Floor
P.O. Box 146704
Salt Lake City, UT 84114-6704

Mr. G. Edward Leary, Executive Director
Utah Department of Financial Institutions
324 South State Street, Suite 201
Salt Lake City, UT 84111

Mr. John L. Valentine, Commission Chair
Utah State Tax Commission
210 North 1950 West
Salt Lake City, UT 84134

Mr. Jon S. Pierpont, Executive Director
Utah Department of Workforce Services
720 South 200 East
Salt Lake City, UT 84111

Dr. Joseph K. Miner, Executive Director
Utah Department of Health
P.O. Box 141000
Salt Lake City, UT 84114-1000

Mr. Keith D. Squires
Utah Department of Public Safety
First Floor – South
4501 South 2700 West
Salt Lake City, UT 84129

Ms. LuAnn Adams, Executive Director
Utah Department of Agriculture and Food
350 North Redwood Road
P.O. Box 146500
Salt Lake City UT 84114-6500

Mr. Todd E. Kiser, Executive Director
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114

Dr. Sydnee Dickson
Superintendent of Public Instruction
Utah State Board of Education
250 East 500 South
Salt Lake City, UT 84111-3204

Dear Respective Cabinet Members:

As chairs of the Occupational and Professional Licensure Review Committee, we are requesting your help in identifying, studying, and addressing your department's lawful occupations that require a license in the state. In accordance with Utah Code Subsection 36-23-109(2), the

Respective Cabinet Members
October 12, 2017
Page 2

committee will be conducting a review of each licensed lawful occupation. In preparation for those reviews, we will invite your department to come to a committee meeting to provide the committee with an overview of the licenses that your department issues. The department's input will help guide the committee's approach to planning and prioritizing the in-depth review of all state licenses.

In preparation of organizing the committee meetings with your department, please provide the following information to our staff by November 1, 2017:

- A list of the licenses (permits/certifications) that your department issues;
- For each license, the number of current licensees and the number of licenses that are issued annually; and
- Of the types of licenses that your department issues, which licenses the department believes are essential to preserve the health and safety of the public.

At the committee meeting that your department attends, we ask that the department provide an overview of each license that includes:

- Whether the department feels the level of regulatory requirements are too high or too low;
- A rundown of each license, such as its history, any significant licensing requirements, or other issues; and
- Identification of any national organization or federal law that would be impacted if the Legislature amended the statutory requirements related to the license.

As the committee hears from each department, committee staff will work with the committee to prioritize licenses that the committee will begin reviewing based on department responses and the committee's direction.

You may provide the information described in this letter to the committee staff:

Adam Sweet, Policy Analyst
Office: (801) 326-1628
Email: asweet@le.utah.gov

or

Peter Asplund, Associate General Counsel
Office: (801) 538-1032
Email: pasplund@le.utah.gov

Please contact us or committee staff if you have any questions.

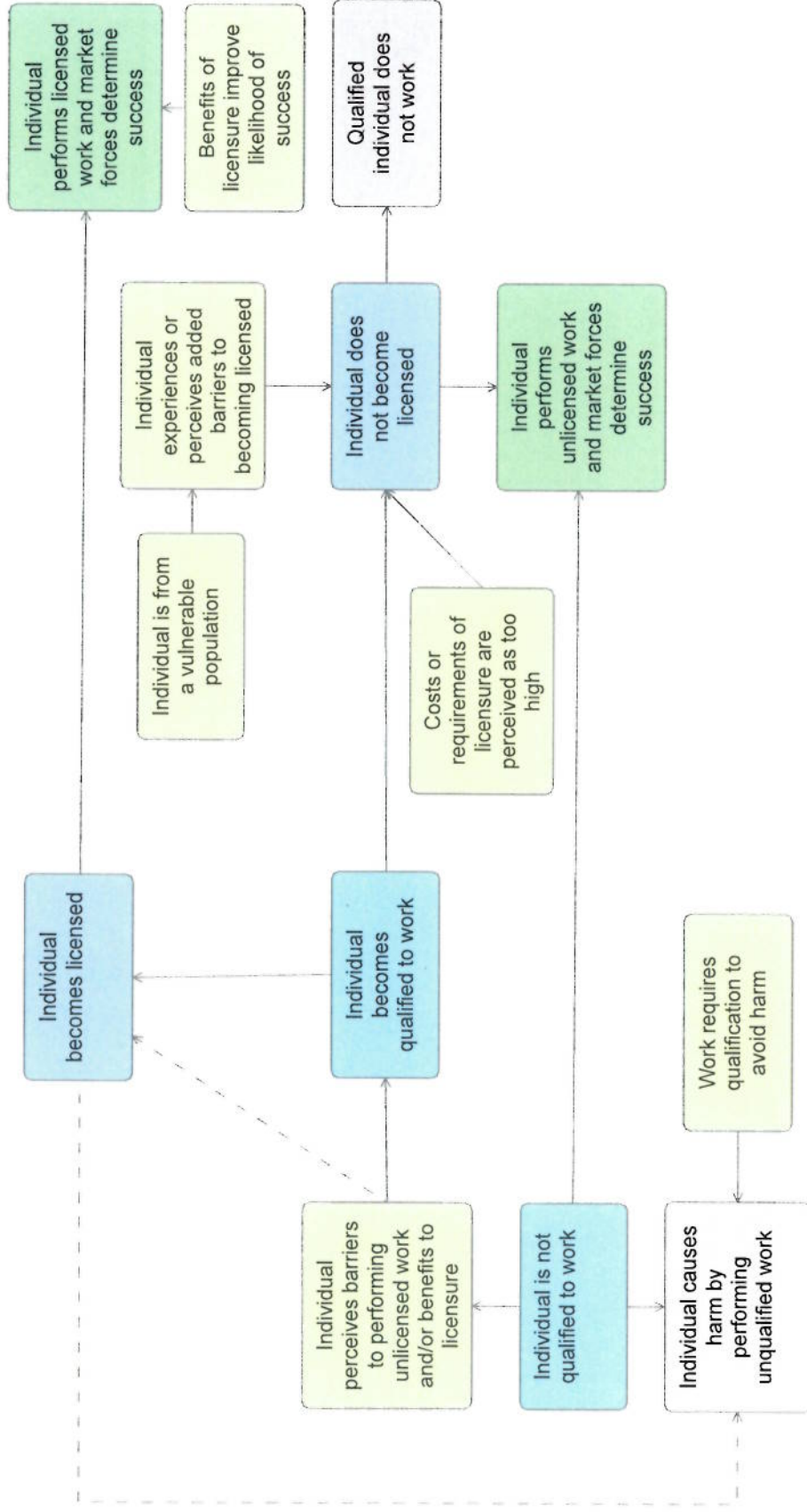
Sincerely,



Sen. Todd Weiler, Senate Chair
Occupational and Professional Licensure
Review Committee



Rep. Brian M. Greene, House Chair
Occupational and Professional Licensure
Review Committee



Occupational Licensing: Evaluation questions, methodologies, and key constructs

	Evaluation question	Methodology	Key constructs
Barriers to licensure	What barriers to licensure [in the targeted licensure areas] exist [for targeted vulnerable groups]?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with vulnerable groups qualified to work in targeted areas Focus groups with instructional or accrediting bodies	Barriers
	To what extent do people [in the targeted vulnerable groups] experience or perceive barriers to licensure [including costs or overly difficult requirements]?	Survey of vulnerable groups Survey of licensed workers Survey of pre-licensed workers Survey of general population	Barriers (costs) Barriers (requirements) Barriers (other)
Incentives for licensure	What incentives for licensure [in the targeted licensure areas] exist [for targeted vulnerable groups]?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with vulnerable groups qualified to work in targeted areas Focus groups with instructional or accrediting bodies	Incentives
	To what extent do people [in the targeted vulnerable groups] experience or perceive incentives to licensure [including costs or overly difficult requirements]?	Survey of vulnerable groups Survey of licensed workers Survey of pre-licensed workers Survey of general population	Barriers (costs) Barriers (requirements) Barriers (other)
Public harm	What harms might accrue to the health and safety of the general public if work [in the targeted licensure areas] is not licensed?	Focus groups with licensed workers Focus groups with instructional or accrediting bodies Survey of general population Public record search	Harms (health) Harms (safety)
	To what extent are harms being caused by unqualified work [in the targeted licensure areas]?	Public record search Survey of general population	Harm (public health) Harm (public safety)
	To what extent are there differences in rates of harm caused by licensed and unlicensed workers [in the targeted licensure areas]?	Public record search	Harm (public health) Harm (public safety)
	What role do barriers to licensure play in the prevention of public harm?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with instructional or accrediting bodies	Harm (public health) Harm (public safety) Barriers (costs) Barriers (requirements) Barriers (other)
	In what ways does work [in the targeted licensure areas] require specialized qualification in order to avoid harm?	Focus groups with licensed workers Focus groups with instructional or accrediting bodies Survey of general population	Harm (public health) Harm (public safety) Specialized Qualification

Licensure and qualification	What is the role of licensure in encouraging unqualified workers [from targeted vulnerable groups] to seek qualification [in the targeted licensure areas]?	Focus groups with licensed workers Focus groups with targeted vulnerable groups	Qualification
	To what extent do perceived barriers to performing unlicensed work and/or benefits to licensure motivate people to become qualified to perform work [in the targeted licensure areas]?	Survey of licensed workers Survey of pre-licensed workers	Barriers Benefits Qualification
Licensure and work	To what extent are qualified people [from targeted vulnerable groups] working [in the targeted licensure areas] without licenses?	Survey of general population Survey of vulnerable groups Focus groups with licensed workers	Qualification Work
	To what extent are qualified people [from targeted vulnerable groups] choosing not to work [in the targeted licensure areas] because of licensing requirements?	Survey of general population Survey of vulnerable groups	Qualification Work
	To what extent are people performing unlicensed work in the targeted professions generally?	Survey of general population Survey of vulnerable groups Focus groups with licensed workers	Work
Equity	Are people from targeted vulnerable groups licensed to work [in the targeted licensure areas] at rates equivalent to their proportion in the general population?	Analysis of licensure records Survey of licensed workers	
	Are people from targeted vulnerable groups choosing [not] to work in proportions equivalent to their counterparts in the general population?	Survey of general population Survey of vulnerable groups	
	To what extent are there differences in perceived barriers to licensure between people from targeted vulnerable groups and the general group of qualified workers?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with vulnerable groups Survey of vulnerable groups Survey of licensed workers Survey of pre-licensed workers	Barriers (costs) Barriers (requirements) Barriers (other)
	To what extent are there differences in perceived incentives for licensure between people from targeted vulnerable groups and the general group of qualified workers?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with vulnerable groups Survey of vulnerable groups Survey of licensed workers Survey of pre-licensed workers	Barriers (costs) Barriers (requirements) Barriers (other)
Costs and benefits of licensure	What harms might accrue to people in the targeted professions if these occupations are not licensed?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with special interest groups	Harms
	What benefits might accrue to people in the targeted professions if these occupations are not licensed?	Focus groups with licensed workers Focus groups with pre-licensed workers Focus groups with special interest groups	Benefits
	To what extent does the public consider licensure to be an important consideration in selecting a provider [in the targeted licensure areas]?	Survey of general population	Selecting a provider (willingness to hire) Selecting a provider (willingness to pay)
	What are the costs and benefits of licensure [in the targeted licensure areas] generally?	Cost-benefit analysis Focus groups with special interest groups Focus groups with licensed workers	Costs Benefits

Phase	Data type	Methodology	Sampling approach
Phase 0	Administrative data	Analysis of licensure records	Census
Phase I	Focus group	Focus groups with instructional or accredited	Purposive
Phase I	Focus group	Focus groups with licensed workers	Random selection with randomized biased solicitation
Phase I	Focus group	Focus groups with pre-licensed workers	Purposive
Phase I	Focus group	Focus groups with special interest groups	Purposive
Phase I	Focus group	Focus groups with vulnerable groups	Purposive
Phase I	Focus group	Focus groups with vulnerable groups qualify	Purposive
Phase I	Administrative data	Public record search	Census (or random if too much)
Phase II	Survey	Survey of general population	Random or quota
Phase II	Survey	Survey of licensed workers	Stratified random
Phase II	Survey	Survey of pre-licensed workers	Stratified random
Phase II	Survey	Survey of vulnerable groups	Quota; purposive
Phase II	Administrative data	Cost-benefit analysis	N/A

Sampling frame

Administrative licensure lists

Member lists from instructional or accrediting bodies identified through public listings

Instructional or accrediting institutions; licensing inquiries; licensing applications

Administrative licensure lists

Self-identified or recommended by OPLR

Member lists from agencies or nonprofits representing vulnerable groups

Stratified licensure list, targeted member lists from agencies or nonprofits representing vulnerable groups

Keyword searches of public safety records, adverse event reporting systems

Random digit dialing or panel service

Administrative licensure lists

Instructional or accrediting institutions; licensing inquiries; licensing applications

Oversample of general population random digit dialing or panel service; agencies or nonprofits representing vulnerable groups

N/A

Analysis strategy

Two-group comparison tests

Open coding

Open coding

Open coding

Open coding

Open coding

Open coding

Open coding, two-group comparison tests

Descriptive statistics, 2-group comparison tests, regression analysis

Descriptive statistics, 2-group comparison tests, regression analysis

Descriptive statistics, 2-group comparison tests, regression analysis

Descriptive statistics, 2-group comparison tests, regression analysis

Economic analysis